

VICTOR ZONING BOARD OF APPEALS MEETING

MONDAY, APRIL 16, 2018

DRAFT RESOLUTION PACKET

*“Zoning Board of Appeals Draft Resolutions are in **draft** form and are subject to change prior to or during the public meeting. Additional information may be obtained in the Planning & Building Office.”*

PUBLIC HEARING

1. 1488 BRACE ROAD
Area Variance

3-Z-2018

Applicant is requesting an area variance to construct an addition to his home with a rear setback that is less than the required 40 feet per Schedule II, Area & Height requirements. The property is zoned Residential-2 and is owned by the applicant.

(DRAFT resolution attached)

2. 788 OLD DUTCH ROAD
Sprinkler Waiver

4-Z-2018

Applicant is requesting a sprinkler waiver for a proposed 3,456 sf accessory structure. The proposed building is required to have a sprinkler system per Section 83-4F(2)(a) of the Town of Victor Code which states that all structures shall be required to have an approved fire sprinkler system installed and operational, however, §83-4F(2)(d) states that the Zoning Board of Appeals can grant a waiver. The property is zoned Lt Industrial and is owned by Fulcrum Holdings, LLC.

RESOLUTION – 1488 Brace Road
Rear Setback AV

DATE: 4-16-18
Appl. No. 3-Z-18

WHEREAS, an area variance application was received by the Secretary of the Zoning Board of Appeals on March 9, 2018 from Richard Soper, 1488 Brace Road, Victor, NY 14564 to construct an addition to the house with a rear setback of _____ (35-32) feet whereas Schedule II Area and Height Requirements require a 40 feet rear setback for a district zoned Residential 2 and,

WHEREAS, said application was referred by Alan Benedict, Code Enforcement Officer of the Town of Victor on the basis of the variance requested to the Town of Victor Code; and,

WHEREAS, a Public Hearing was duly called for and was published in "The Daily Messenger" on April 5, 2018 and whereby all property owners within 500 feet of the application were notified by U. S. Mail; and,

WHEREAS, this application is classified as a Type II action under the State Environmental Quality Review Act per Section 617.5(c)(12) and therefore does not require further action; and,

WHEREAS, the Ontario County Planning Board assigned the referral as an Administrative Review Class 1, referral no. 48-2018, and returned it to the local board on April 11, 2018 stating they would make no formal recommendation; and,

WHEREAS, the house at 1488 Brace Road is on the Town of Victor Historical Inventory with a low historical value and on April 6, 2018, Babette Huber, Town Historian, wrote in an email stating that she had no objection regarding the addition proposed at the rear of the house; and,

WHEREAS, a Public Hearing was held on April 16, 2018 at which time _____ resident(s) spoke *for/against* the application and one email was received from a neighbor with no objection; and,

WHEREAS, after reviewing the file, the testimony given at the Public Hearing and after due deliberation, the Town of Victor Zoning Board of Appeals made the following findings of fact for the construction of an addition to 1488 Brace Road, Victor, NY 14564 with a _____ (35 - 32) foot rear setback, whereas Schedule II, Area and Height Requirements for Residential 2 Districts requires a 40 feet rear setback making the request for a _____ (5 - 8) foot variance:

1. An undesirable change *would/would not* be produced in the character of the neighborhood or a detriment to nearby properties created by the granting of the area variance.

Justification:

2. The benefit sought by the applicant *can/cannot* be achieved by some method, feasible for the applicant to pursue, other than an area variance.

Justification:

3. The requested area variance *is/is not* substantial.

Justification:

4. The proposed variance *will/will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Justification:

5. The alleged difficulty *is/is not* self-created. This consideration is relevant to the decision of the board, but shall not necessarily preclude the granting of the area variance.

NOW, THEREFORE BE IT RESOLVED that the application of Richard Soper, to construct an addition with a _____ foot rear property line setback at 1488 Brace Road, Victor, NY 14564, whereas Schedule II, Area and Height Requirements for Residential 2 Districts requires a 40 foot rear setback BE *DENIED/APPROVED*:

FURTHER RESOLVED that the following conditions are imposed:

Building permits are required for work including, but not limited to, erecting structures, placing signs, pools, fences, mechanical systems, etc. No person shall commence any work for which a building permit is required without first having obtained a building permit from the Planning and Building Department.